

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL DAVID,

Petitioner,

v.

J.A. ECKARD, et al.,

Respondents.

CIVIL ACTION
NO. 14-7123

ORDER

AND NOW, this 4th day of August 2017, upon consideration of the Petition of Michael David for a Writ of Habeas Corpus (Doc. No. 1), Respondents' Response in Opposition (Doc. No. 21), the Report and Recommendation of Magistrate Judge Timothy R. Rice (Doc. No. 32), Respondents' Objections to the Report and Recommendation (Doc. No. 38), Respondents' Memorandum Regarding Supplemental Authority (Doc. No. 39), all related filings and exhibits, and in accordance with the Opinion of the Court issued this day, it is **ORDERED** as follows:

1. The Report and Recommendation (Doc. No. 32) is **APPROVED** and **ADOPTED**.
2. The Petition for Writ of Habeas Corpus (Doc. No. 1) is **GRANTED**.
3. The Commonwealth shall release Petitioner Michael David or grant him a new trial within 120 days.
4. The Clerk of Court shall close this case for statistical purposes.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.